

**APPLICATION FOR PERMISSION TO CHANGE POINT OF
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE
PUBLIC WATERS OF THE STATE OF NEVADA
HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office MAR 14 1989

Returned to applicant for correction _____

Corrected application filed _____

Map filed January 14, 1980 under 38979

The applicant **Bert T. Swanston, an undivided 1/3 interest; Robert Swanston, an undivided 1/3 interest; Robert Leal & Elysian Farms, Inc., an undivided 1/3 interest**, hereby makes application for permission to change the **Point of Diversion and Place of Use** of water heretofore appropriated under **Permit 38999**

1. The source of water is **Underground**
2. The amount of water to be changed **0.05 c.f.s.**
3. The water to be used for **Stockwater and Domestic**
4. The water heretofore permitted for **Stockwater and Domestic**
5. The water is to be diverted at the following point **NW¼ SE¼ Section 3, T.35N., R.66E., M.D.B.&M.** or at a point from which the **S¼** corner of said Section 3 bears **S. 03°00' W., 1991 feet.**
6. The existing permitted point of diversion is located within **NW¼ SE¼ Section 12, T.34N., R.67E., M.D.B.&M.** or at a point from which the **NW** corner of Section 1, **T.34N., R.67E., M.D.B.&M.** bears **N. 19° 00' W., 8940 feet.**
7. Proposed place of use **NW¼ SE¼ Section 3, T.35N., R.66E., M.D.B.&M.**
8. Existing place of use **NW¼ SE¼ Section 12, T.34N., R.67E., M.D.B.&M.**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **Drilled well, cased, pump, motor and stock water tank**
12. Estimated cost of works **\$10,000.00**
13. Estimated time required to construct works **2 years**
14. Estimated time required to complete the application of water to beneficial use **5 years**
15. Remarks: **Please use map filed in support of Permit 39112 for the proposed Point of Diversion and the proposed place of use. Further, please use map filed in support of Permit 38999 for the existing Point of Diversion and Place of Use. A stock watering tank will be placed at the works of diversion.**

By **s/Jack D. Ferris**
THIEL, WINCHELL & ASSOCIATES, INC.
5151 So. Carson Street, Suite 301
Carson City, Nevada 89701

Compared jr/cms jr/cms

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of the waters of an underground source as heretofore granted under Permit 38999 is issued subject to the terms and conditions imposed in said Permit 38999 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening for measuring depth to water. If well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

With the issuance of this permit, any well or exploratory hole drilled under Permit 38999 must be plugged in accordance with NAC 534.420.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0343 cubic feet per second, or sufficient to water 1,000 head of cattle and 100 horses.

Work must be prosecuted with reasonable diligence and be completed on or before:

January 4, 1997

Proof of completion of work shall be filed before:

February 4, 1997

Application of water to beneficial use shall be filed on or before:

January 4, 2000

Proof of the application of water to beneficial use shall be filed on or before:

February 4, 2000

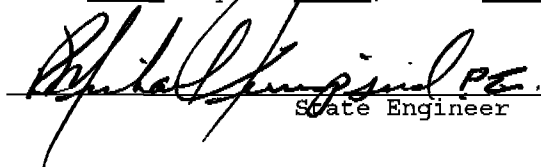
Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 17th day of June, A.D. 1998


State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

ASSIGNED

SEE CORRECTED PERMIT

Serial No. **53021**

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

MAY 14 1989

Date of filing in State Engineer's Office

Returned to applicant for correction

Corrected application filed January 14, 1980 under 38979 Map filed

The applicant Bert T. Swanston, and undivided 1/3 interest; Robert Swanston, an undivided 1/3 interest; Robert Leal & Elysian Farms, Inc. an undivided 1/3 interest

500 "N" Street, Suite 23 of Sacramento
Street and No. or P.O. Box No. City or Town

California 95814 hereby make S application for permission to change the
State and Zip Code No.

Point of Diversion and Place of Use

Point of diversion, manner of use, and/or place of use

of water heretofore appropriated under Permit 38999
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and

Identify right in Decree.

1. The source of water is Underground
Name of stream, lake, underground spring or other source.

2. The amount of water to be changed 0.05 c.f.s.
Second feet, acre feet. One second foot equals 448.83 gallons per minute.

3. The water to be used for Stockwater and Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

4. The water heretofore permitted for Stockwater and Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.

5. The water is to be diverted at the following point NE 1/4 SE 1/4 Section 3, T. 35 N., R. 66 E.,
Describe as being within a 40-acre subdivision of public survey and by course and
M.D.B.&M. or at a point from which the S 1/4 corner of said Section 3 bears
distance to a section corner. If on unsurveyed land, it should be stated.
S. 03° 00' W., 1991 feet.

6. The existing permitted point of diversion is located within NW 1/4 SE 1/4 Section 12, T. 34 N.,
If point of diversion is not changed, do not answer.
R. 67 E., M.D.B.&M. or at a point from which the NW corner of Section 1,
T. 34 N., R. 67 E., M.D.B.&M. bears N. 19° 00' W., 8940 feet.

7. Proposed place of use NW 1/4 SE 1/4 Section 3, T. 35 N., R. 66 E., M.D.B.&M.
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.

8. Existing place of use NW 1/4 SE 1/4 Section 12, T. 34 N., R. 67 E., M.D.B.&M.
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
manner of use of irrigation permit, describe acreage to be removed from irrigation.

9. Use will be from January 1 to December 31 of each year.
Month and Day Month and Day

10. Use was permitted from January 1 to December 31 of each year.
Month and Day Month and Day

11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Drilled well, cased, pump, motor, and
State manner in which water is to be diverted, i.e. diversion structure,

stock water tank
ditches, pipes and flumes, or drilled well, etc.

12. Estimated cost of works \$10,000.00

13. Estimated time required to construct works 2 years

14. Estimated time required to complete the application of water to beneficial use 5 years
15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

Please use map filed in support of Permit 39112 for the proposed Point of Diversion and the proposed place of use. Further, please use map filed in support of Permit 38999 for the existing Point of Diversion and Place of Use. A stock watering tank will be placed at the works of diversion.

By s/Jack D. Ferris
THIEL, WINCHELL & ASSOCIATES, INC.
5151 So. Carson Street, Suite 301
Carson City, Nevada 89701

Compared cl/nsr cl/bk

Protested _____

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This permit to change the point of diversion and place of use of the waters of an underground source as heretofore granted under Permit 38999 is issued subject to the terms and conditions imposed in said Permit 38999 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening for measuring depth to water. If well is flowing, a valve must be installed and maintained to prevent waste. The State retains the right to regulate the use of water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

With the issuance of this permit, any well or exploratory hole drilled under Permit 38999 must be plugged in accordance with NAC 534.420.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.0343 cubic feet per second, or sufficient to water 1,000 head of cattle and 100 horses.

Work must be prosecuted with reasonable diligence and be completed on or before January 4, 1997

Proof of completion of work shall be filed before February 4, 1997

Application of water to beneficial use shall be made on or before January 4, 2000

Proof of the application of water to beneficial use shall be filed on or before February 4, 2000

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed SEP 04 1997

Proof of beneficial use filed _____

Cultural map filed _____

Certificate No. _____ Issued _____

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
 State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 4th day of January

A.D. 19 96

R. Michael Turnipseed, P.E.
 State Engineer